

OFFICIAL

Docket No. HRT-0303C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Lee Bolduc et al.

Serial No. : 10/792,037

Art Unit: 3731

Filed : March 3, 2004

Examiner:

For : Surgical Clips & Methods for Tissue Approximation

**RECEIVED
CENTRAL FAX CENTER****JUL 30 2004**

I hereby certify that this correspondence is being faxed to the
United States Patent & Trademark Office at (703) 872-9306 on

July 30, 2004
(Date of Deposit)

Brian S. Tomko
(Name of applicant, assignee, or Registered Representative)


(Signature)

July 30, 2004
(Date of Signature)

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of references listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No.10/196,847, filed 7/17/02, which is a continuation of application Serial No. 09/855,070, filed 5/15/01 and Serial No. 08/598,513, filed 2/28/96.

☒ There are no listed references which are not in the English language.

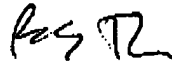
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT-0303C2/BST. This form is submitted in triplicate.

Respectfully submitted,



Brian S. Tomko
Reg. No. 41,349
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1239
DATED: July 30, 2004

RECEIVED
CENTRAL FAX CENTER

JUL 30 2004

OFFICIAL

PTO/59/08A (08-00)

Approved for use through 10/31/2002. OMB 0661-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1448A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number	10/792,037
Filing Date	3/3/04
First Named Inventor	Lee R. Bolduc
Group Art Unit	3731
Examiner Name	
Attorney Docket Number	HRT-0303C2

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		4,603,669		Dotter	3/12/85	
		4,692,764		Gupke et al.	5/3/85	
		4,817,932		Kornberg	10/21/86	
		5,002,563		Pyka et al.	3/26/91	
		5,104,399		Lazarus	4/14/92	
		5,122,166		Granger et al.	1/16/92	
		5,207,695		Trout III	5/4/93	
		5,211,858		Clouse	5/16/93	
		5,211,883		Maginot	5/16/93	
		5,254,130		Poncet et al.	10/19/93	
		5,275,622		Lazarus et al.	1/4/94	
		5,304,220		Maginot	4/19/94	
		5,316,023		Palmsz et al.	5/31/94	
		5,486,183		Middleman et al.	1/23/96	
		5,387,235		Chuter	2/7/95	
		5,397,345		Lazarus	3/14/95	
		5,397,355		Marin et al.	3/14/95	
		5,443,497		Venbrux	8/22/95	
		5,452,733		Sterman et al.	9/26/95	
		5,458,712		Maginot	10/10/95	
		5,601,572		Middleman et al.	2/11/97	
		5,755,778		Kleschinski	5/26/98	
		5,789,870		Salshieh et al.	8/23/98	
		5,797,920		Kim	8/25/98	
		5,507,769		Marin et al.	4/16/96	
		5,522,860		Barone et al.	6/4/96	
		5,545,214		Stevens	8/13/96	
		5,820,628		Middleman et al.	10/13/98	
		5,830,222		Makower	11/13/98	
		5,881,943		Heck et al.	3/16/99	
		5,972,017		Berg et al.	10/26/99	
		5,978,159		Bolduc et al.	11/21/99	
		5,978,175		Goldsteen et al.	11/2/99	

Kru

	6,036,702		Bechinaki	3/14/00	
	6,074,418		Berg et al.	6/13/00	
	6,481,048		Berg et al.	9/17/02	
	6,461,320		Yencho et al.	10/8/02	
	6,485,498		Suyker et al.	11/28/02	
	6,120,432		Sullivan et al.	9/18/00	
	6,208,912		Goldsteen et al.	3/27/01	
	6,302,908		Goldsteen et al.	10/18/01	
	6,330,965		Milliman	12/18/01	
	6,702,829		Bechinaki et al.	3/9/04	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
Examiner Signature								

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.